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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

## SAN JOSE DIVISION

**IN RE: HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION**

**Master Docket No. 11-CV-2509-LHK**

## **JOINT DISCOVERY STATUS REPORT**

## THIS DOCUMENT RELATES TO:

## ALL ACTIONS

Pursuant to the Court's February 5, 2013 Order Regarding Joint Discovery Status Report to the Court (Dkt. 322), the parties hereby submit this Joint Discovery Status Report.

I. Adobe

In addition to the depositions described in the parties' February 1, 2013 status report (Dkt. 320), Plaintiffs and Adobe have agreed to schedule the following depositions: Digby Horner on

1 March 1, 2013, Shantanu Narayen on February 28, 2013, and Jerry Sastri on March 8, 2013.  
 2 Adobe offered a date for Natalie Kessler. Adobe has agreed to the deposition of John Warnock  
 3 and is working on identifying a date in the last two weeks of March that will be convenient for the  
 4 deponent and all counsel.

5           Adobe has completed production of documents for all deponents except John Warnock,  
 6 Debbie Streeter, and Rosemary Arriada-Keiper. Adobe will produce the final set of Streeter and  
 7 Arriada-Keiper documents by February 25. Adobe is in the process of collecting and reviewing  
 8 Warnock's documents and will produce his documents well in advance of his deposition. To the  
 9 extent it has not already done so, Adobe will produce privilege logs, if any, for witnesses no later  
 10 than a week prior to their depositions.

11 **II. Apple**

12           In addition to the depositions described in the parties' February 1, 2013 status report (Dkt.  
 13 320), Plaintiffs and Apple have agreed to schedule Steven Burmeister on March 15, 2013 and  
 14 Robert Mansfield on March 26, 2013. Apple provided a date for Tony Fadell, and has located  
 15 Ann Reeves and will propose a date for her deposition. Apple added Brian Croll to its initial  
 16 disclosures on February 14, 2013. Apple has agreed to produce documents for Mr. Croll and will  
 17 provide a date for his deposition.

18           Apple's document production for all custodians is complete, with the following  
 19 exceptions. Apple will produce a small set of additional documents from one of its supplemental  
 20 custodians, Mr. Mansfield, and it will produce documents from Mr. Croll, who is identified in  
 21 Apple's supplemental initial disclosures. Apple will produce these documents well in advance of  
 22 Mr. Mansfield's and Mr. Croll's depositions. Apple will also produce a further privilege log  
 23 pertaining to its supplemental custodian productions. To the extent it has not already done so,  
 24 Apple will produce any privilege logs for witnesses no later than a week prior to their depositions.

25 **III. Google**

26           Google substantially completed producing responsive documents from the custodial files  
 27 of Larry Page and Sergey Brin on Friday, February 8, 2013, three days prior to the Court-ordered  
 28 deadline of Monday, February 11, 2013 as part of an effort to facilitate holding Mr. Brin's

1 deposition on February 15, 2013 (see below). The documents were delivered to Plaintiffs on  
 2 Saturday, February 9, 2013.

3 In addition to the depositions described in the parties' February 1, 2013 status report (Dkt.  
 4 320), Plaintiffs and Google have agreed to schedule the following depositions: Alan Eustace on  
 5 February 27, 2013, Jonathan Rosenberg on March 13, 2013, Sergey Brin on March 19, 2013;  
 6 Larry Page on March 22, 2013,<sup>1</sup> and Laszlo Bock on March 27, 2013.

7 On Wednesday, February 6, 2013, Google informed Plaintiffs that Sergey Brin was  
 8 available for his deposition on February 15, 2013. Plaintiffs explained that they could not commit  
 9 to taking Mr. Brin's deposition without first reviewing those documents and without first  
 10 reviewing Mr. Page's documents, which also had not been produced.<sup>2</sup>

11 Google withdrew Judy Gilbert and Seth Williams from its initial disclosures, and  
 12 Plaintiffs are reviewing the documents from these two individuals to determine whether to pursue  
 13 their depositions. Plaintiffs are also reviewing documents produced from Patrick Flynn and  
 14 Carson Page, and the parties will meet and confer next week regarding potential depositions.

15 Google remedied the production error concerning documents from the custodial files of  
 16 Karine Karpati, Patrick Flynn, and Carson Page, by producing additional documents, on February  
 17 14, 2013. In addition, Google will complete its entire custodial production by the end of next  
 18 week, and Google will complete the production of any other documents (including any  
 19 documents it intends to rely on at trial) by February 28, 2013. Google will provide a consolidated  
 20 and de-duplicated privilege log, regarding all documents Google has withheld or redacted on  
 21 privilege grounds (regarding documents identified prior to February 1, 2013), by Friday, February  
 22, 2013. Google will update that privilege log, regarding documents produced on or after  
 23 February 1, 2013, by March 8, 2013.

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 25  
 26<sup>1</sup> The Parties will meet and confer regarding Mr. Page's deposition.

27<sup>2</sup> Plaintiffs also asked whether any of Mr. Brin's or Mr. Page's documents were being withheld or  
 28 redacted and, if so, when Google would produce the privilege log. Google did not respond to  
 these requests until today, at which time they confirmed that Google would produce the relevant  
 logs on March 8, 2013, three weeks after their initial proposed deposition date for Mr. Brin.

1      **IV. Intel**

2            In addition to the depositions described in the parties' February 1, 2013 status report (Dkt.  
 3 320), Plaintiffs and Intel have agreed to schedule: Tina Evangelista on March 22, 2013; Danny  
 4 McKell on March 8, 2013; and Ranna Prajapati on February 21, 2013. On February 14, 2013,  
 5 Intel provided a deposition date for Randall Goodwin, a witness Intel disclosed to Plaintiffs on  
 6 February 8, 2013. Intel has also provided a date for Renee James. Patrick Gelsinger is a former  
 7 Intel employee; Intel has no objection to his deposition and is attempting to secure a  
 8 date. Plaintiffs and Intel are meeting and conferring regarding the depositions of Diane Bryant,  
 9 and Gary Palangian. Intel has agreed to produce documents for all deponents.

10          Intel has completed production for deponents Otellini, Murray, and Prajapati. Intel  
 11 intends to complete production for deponents Evangelista, McKell, and, if necessary,  
 12 Palangian on February 20; for James and Gelsinger by the end of the month; for all additional  
 13 deponents, and most other remaining documents, by March 8; and all additional documents in  
 14 advance of March 29. Intel has produced, and will continue to produce, privilege logs  
 15 accompanying each deponent's production. Intel will produce a comprehensive log for non-  
 16 deponents' productions along with, or shortly after, its final production.

17      **V. Intuit**

18          The deposition of Bill Campbell took place, as scheduled, on February 5, 2013.<sup>3</sup> The  
 19 deposition of Chuong Nguyen took place on February 14, 2013.

20          Plaintiffs and Intuit have agreed to schedule the following depositions: Scott Cook on  
 21 March 22, 2013; Chris Galy on March 20, 2013; Alex Lintner on March 6, 2013; Michael  
 22 McNeal on February 21, 2013; Brad Smith on February 27, 2013; Mason Stubblefield on March  
 23 18, 2013; and Sherry Whitely on February 28, 2013.

24          Currently, Intuit expects to complete its document production on or before February 25.  
 25 The only outstanding documents are those related to the two additional custodians that plaintiffs

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26          <sup>3</sup> Plaintiffs consider portions of Mr. Campbell's testimony to be relevant to Plaintiffs' pending  
 27 Motion to Compel, and Plaintiffs have provided a summary of that testimony, along with  
 28 deposition excerpts, to Magistrate Judge Grewal. Google's response is due by February 18, 2013.  
 (Stipulation and Order Permitting Supplemental Briefing Regarding Plaintiffs' Motion to Compel  
 Google Documents; Dkt. 324.)

1 requested. Intuit has served all privilege logs related to Intuit's earlier productions and is in the  
 2 process of finalizing the privilege logs for the additional custodians.

3 **VI. Lucasfilm**

4 The deposition of Jan van der Voort took place, as scheduled, on February 5, 2013, and  
 5 the deposition of Michelle Maupin took place, as scheduled, on February 12, 2013. However,  
 6 Lucasfilm did not produce a privilege log for Ms. Maupin until February 13, 2013, the day after  
 7 her deposition. (The log was dated February 11, 2013, the day prior to her deposition.) To avoid  
 8 future tardy productions of privilege logs, Plaintiffs respectfully request that the Court order the  
 9 parties to provide privilege logs for witnesses no later than a week before their depositions.  
 10 Lucasfilm believes that such an order is unnecessary. Its privilege log production for Ms. Maupin  
 11 was not "tardy," and when Lucasfilm asked Plaintiffs to identify any substantive problem or  
 12 concern they had with the Maupin privilege log, Plaintiffs had none, indicating that they had no  
 13 present intention to challenge any of the designations on the log.

14 In addition to the depositions described in the parties' February 1, 2013 status report (Dkt.  
 15 320), Plaintiffs and Lucasfilm have agreed to schedule: Steve Dykes on February 19, 2013; Amir  
 16 Dramen on March 1, 2013; Gail Currey on March 12, 2013; Lori Beck on March 8, 2013;  
 17 Lynwen Brennan on March 19, 2013, and Steve Condiotti on March 20, 2013.

18 Regarding document production, Lucasfilm has informed Plaintiffs that it expects to  
 19 complete its document production by March 8, 2013. Lucasfilm also expects to produce a  
 20 privilege log regarding the additional documents promptly after production.

21 **VII. Pixar**

22 In addition to the depositions described in the parties' February 1, 2013 status report (Dkt.  
 23 320), Plaintiffs and Pixar have agreed to schedule: Dana Batali on March 19, 2013; John Kirkman  
 24 on March 22, 2013; and Stephanie Sheehy on March 5, 2013. Pixar has completed its production  
 25 of documents for all custodians, with the exception of documents from custodian John  
 26 Kirkman. Pixar expects to complete production of Mr. Kirkman's documents by February 28,  
 27 2013. Pixar has also completed its production of privilege logs concerning all documents, with  
 28 the exception of a privilege log pertaining to documents that Pixar produced to Plaintiffs on

1 February 14, 2013. Pixar expects to produce by March 8, 2013 a privilege log pertaining to its  
2 February 14, 2013 production. Further, to the extent it has not already done so, Pixar agrees to  
3 produce any privilege logs for witnesses no later than a week before their depositions.

4 **VIII. Timely Production of Privilege Logs**

5 As described above, Plaintiffs respectfully request that the Court order the parties to  
6 produce privilege logs for witnesses no later than a week prior to their depositions. Defendants  
7 believe such a blanket order is unnecessary because Plaintiffs have not identified any blanket  
8 issue regarding privilege logs. Individual disagreements are being resolved as described above.

9  
10 Respectfully submitted,

11 Dated: February 15, 2013 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

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8 **ATTESTATION:** Pursuant to General Order 45, Part X-B, the filer attests that concurrence in  
9 the filing of this document has been obtained from all signatories.

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